

**2005 DRAFTING REQUEST**

**Bill**

Received: **02/16/2005**

Received By: **mdsida**

Wanted: **As time permits**

Identical to LRB:

For: **Glenn Grothman (608) 266-7513**

By/Representing: **Jim**

This file may be shown to any legislator: **NO**

Drafter: **mdsida**

May Contact:

Addl. Drafters:

Subject: **Correctional System - prisons**  
**Correctional System - jails**

Extra Copies: **gmm**

Submit via email: **YES**

Requester's email: **Sen.Grothman@legis.state.wi.us**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Communion wine for prisoners

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**Instructions:**

See Attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mdsida 02/23/2005	jdye 02/24/2005		_____			
/1			jfrantze 02/24/2005	_____	sbasford 02/24/2005	lnorthro 04/13/2005	

FE Sent For:

<END>

↳ Not Needed

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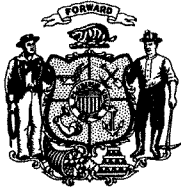
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/?	mdsida	1 jld 2/24	7b	Belb 2/24			

FE Sent For:

<END>



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRB-21717

MGD:.....

jld

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

soon

Gen

- 1 AN ACT ...; relating to: the use of wine in a religious service in a prison, jail, or  
2 house of correction. ✓

***Analysis by the Legislative Reference Bureau***

Under current law, members of the clergy are permitted to conduct religious services within prisons, jails, and houses of correction at least once each week. Current law also specifies that an inmate is entitled to receive, upon request, religious ministrations and sacraments according to the inmate's faith. Current law, however, also prohibits providing an intoxicating liquor to and the use of an intoxicating liquor by any inmate — prohibitions ~~which~~ could be construed to cover wine used in a religious service. <sup>em dash</sup> that

This bill creates an exception to the prohibitions regarding the provision or use of intoxicating liquor to allow for the use of a reasonable amount of wine in a religious service in a prison, jail, or house of correction.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

- 3 SECTION 1. 302.37 (2) of the statutes is amended to read:  
4 302.37 (2) Neither Except as provided in s. 302.375 (2m), neither the sheriff  
5 or other keeper of any jail nor any other person shall give, sell or deliver to any

1 prisoner for any cause whatever any alcohol beverages unless a physician certifies  
2 in writing that the health of the prisoner requires it, in which case the prisoner may  
3 be allowed the quantity prescribed.

History: 1979 c. 34; 1981 c. 79 s. 17; 1985 a. 167; 1989 a. 31 s. 1653; Stats. 1989 ~~302.37~~; 1991 a. 316; 1993 a. 213.

4 **SECTION 2.** 302.375 (1m) (intro.) of the statutes is amended to read:

5 302.375 (1m) (intro.) Any Except as provided in s. 302.375 (2m), any sheriff,  
6 jailer or keeper of any prison, jail or house of correction or any other person who does  
7 any of the following with respect to a prisoner within the precincts of any prison, jail  
8 or house of correction shall be fined not more than \$10,000 or imprisoned not more  
9 than 9 months or both:

History: 1977 c. 337; 1979 c. 116; 1983 a. 185; 1989 a. 31 s. 1654; Stats. 1989 s. 302.375; 1995 a. 448; 2001 a. 103.

10 **SECTION 3.** 302.375 (2) of the statutes is amended to read:

11 302.375 (2) Any Except as provided in s. 302.375 (2m), any prisoner who uses  
12 intoxicating liquor in violation of s. 302.37 (2) shall be fined not more than \$10,000  
13 or imprisoned for not more than 9 months or both.

History: 1977 c. 337; 1979 c. 116; 1983 a. 185; 1989 a. 31 s. 1654; Stats. 1989 s. 302.375; 1995 a. 448; 2001 a. 103.

14 **SECTION 4.** 302.375 (2m) of the statutes is created to read:

15 302.375 (2m) A member of the clergy may possess a reasonable amount of wine  
16 in a prison, jail, or house of correction if he or she intends to use it in a religious  
17 service. A member of the clergy may give or deliver a reasonable amount of wine to  
18 an inmate and an inmate may consume that wine as part of a religious service. The  
19 department is not required to purchase or store wine for an inmate, a chaplain, or  
20 any other member of the clergy who is acting under this subsection.

21 (END)

**Northrop, Lori**

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**From:** Emerson, James  
**Sent:** Wednesday, April 13, 2005 12:41 PM  
**To:** LRB.Legal  
**Subject:** Draft review: LRB 05-2171/1 Topic: Communion wine for prisoners

It has been requested by <Emerson, James> that the following draft be jacketed for the SENATE:

Draft review: LRB 05-2171/1 Topic: Communion wine for prisoners